S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5721/2006
(Ramesh & Anr. Vs. State of Rajasthan)

DATE OF ORDER : 19/12/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. J.S.Choudhary for the petitioners.
Mr. V.R.Mehta, Public Prosecutor for State.
Mr. R.S.Choudhary for the complainant.

Heard learned counsel for the petitioners and Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned, police investigation diary as also the statement of the complainant.

It appears that the injury to injured Achlaram has been inflicted by Sohanram who is not before this Court. However, the allegation against petitioner No.1 Ramesh is that he inflicted injury to the complainant who went to rescue his son Achlaram. In the circumstances, therefore, so far as petitioner No.1 Ramesh is concerned, it is not a fit case to release him on anticipatory bail. The bail application filed on behalf of petitioner No.1 Ramesh under Section 438 Cr.P.C. is therefore, dismissed.

So far as petitioner No.2 Dunger Ram is concerned, no injury has been inflicted by him to injured Achlaram as also to his father complainant and only allegation against petitioner No.2 is of causing kick injury, this shows that he was not armed with any weapon.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by petitioner No.2 Dunger Ram under Section 438 Cr.P.C.

Accordingly, the bail application filed by petitioner No.2 Dunger Ram u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Dunger Ram S/o Prabhu Ram in

CR No.363/2006 P.S. Chopasni Housing Board, Jodhpur, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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